Iowa Department of Education

October 2008

Resources for Iowa School Leaders

FROM THE DIRECTOR

Helping Iowa Schools Prepare Students to be Global Citizens

As technology brings the world to lowa students, the workforce is becoming more international. We are all very aware that it is crucial that all lowa students become more globally literate. lowa students must not only be productive lowa citizens, but global citizens as well.

To help districts with this effort, the lowa Department of Education (DE) is partnering with the U.S. Center for Citizen Diplomacy (U.S. Center) to help lowa students attain global awareness and understanding.

The U.S. Center for Citizen Diplomacy is a national nonpartisan, nonprofit organization dedicated to serving the many organizations active in citizen diplomacy through development of resources, which will enable the establishment of best-practices in citizen diplomacy and the recruitment of persons to serve as U.S. citizen ambassadors to the world. The U.S. Center promotes and expands opportunity for all Americans to be citizen diplomats and affirms the indispensable value of citizen involvement in foreign relations.

The U.S. Center and the DE will work together to identify skills and concepts for K-12 students essential to be successful global citizens. The global literacy skills and concepts will be a *voluntary* component of the Iowa Core Curriculum's 21st century skills.

The collaborative work will also include delivery models based on best practices, a directory of resources available to lowa educators on global education, and professional development on global education.

The DE will put together a global literacy work team with the U.S. Center to identify the needed skills and concepts for global literacy. We will provide more information in the future.

I look forward to this work and all our efforts to help lowa's youth become more globally literate in a highly competitive global economy.

Judy Jeffrey

NEWS FROM THE DE

Gift Law Alert: Pearson Trip Violates Gift Law

It has come to the attention of the State Auditor, who has shared the information with the Iowa Department of Education, that the Pearson Company, which sells student information systems, has offered all-expense-paid trips to a conference in Las Vegas to Iowa school district superintendents.

Acceptance of the offer would be a violation of the Iowa gift law because Pearson is a "restricted donor" under 68B.2(24).

The State Auditor has also contacted the Iowa Ethics Board, and its executive director. The Ethics Board notes that enforcement of the gift law when applied to local officials/employees is done by the county attorney as a criminal matter. Because no one wants to see these situations becomes criminal matters, the Ethics Board recommends that any superintendent who may have accepted this gift <u>reimburse the company</u>. If the trip has not yet taken place, Pearson must put the superintendent on a panel or speaking engagement to cover at least the food, beverage, lodging, and travel.

DE Names New Division Administrator for Community College and Workforce Preparation

Dr. Roger Utman has been named Administrator for Iowa Department of Education (DE) Community College and Workforce Preparation Division.

lowa Department of Education Director Judy Jeffrey said, "Dr. Utman believes in community colleges and will serve their interests very well. His professional life has focused on community colleges, so he is well equipped to fulfill the responsibilities and leadership for this position."

Utman came to the DE as an Education Program Consultant in July 2005. He was promoted to Chief of the Community Colleges and Career and Technical Education Services Bureau in July 2006. Prior to coming to the DE, Utman worked at Iowa Western Community College in Council Bluffs for 21 years in a variety positions, last serving as Dean of Student Support Services.

Utman received his B.A. in English and Education and M.A. in Education from the University of Iowa. He received his Ph.D. in Administrative, Curriculum, and Instruction with an emphasis in Higher Education Administration from the University of Nebraska/Lincoln.

Iowa Department of Education Announces Iowa Teacher of the Year

The 2009 lowa Teacher of the Year is Linda Heffner, a fourth grade teacher at Everett Elementary School in Sioux City.

Heffner has taught at Everett Elementary for 24 years. She has a B.S. degree in Education from Briar Cliff University and an M.A. in Administration from Wayne State College. She was the 2008 Sioux City Community School District Teacher of the Year.

Finalists for the award are:

- Rachel Fliris, a fourth grade teacher at New Hampton Elementary School in the New Hampton Community School District;
- Jodie Irlmeier, a seventh-eighth grade computer teacher at Norwalk-Eastview 8-9 School in the Norwalk Community School District;
- Susan Swift, a seventh-twelfth grade English teacher at Hempstead High School in the Dubuque Community School District; and
- Carol J. Wells, a fourth grade teacher at Libertyville Elementary School in the Fairfield Community School District.

Heffner and the finalists will be recognized at a luncheon, sponsored by Qwest Communications, on October 24 at the University of Northern Iowa. Heffner's tenure as Iowa Teacher of the Year will run from January to December of 2009.

The Iowa Teacher of the Year Award was established in 1958 and is sponsored Iowa Department of Education through an appropriation from the Iowa legislature. For more information on the Iowa Teacher of the Year program, please visit the Iowa Department of Education website at http://www.iowa.gov/educate/content/view/686/664/.

lowa High School Summit to be Held December 8-9

The 5th Iowa High School Summit will be held December 8-9, 2008 at Hy-Vee Hall (Iowa Events Center) in Des Moines. Registration information will be sent to all districts on or around October 1, 2008 with School Administrators of Iowa (SAI) handling registration again this year.

The theme of the 2008 Summit will be "Instruction and Iowa's Core Curriculum." Presenters and keynote speakers will share interventions and building-wide initiatives that have made a positive impact on the quality of instruction in Iowa secondary schools. Additionally, expanded information on the Iowa Core Curriculum will be shared with all attendees, in both general and breakout sessions. While the majority of presentations will be an examination of exemplary Iowa high school practices, there is applicability of these initiatives to the middle and junior high school setting.

Registration for this two-day conference is \$100 per attendee (two lunches included in the cost of registration). Blocks of downtown Des Moines hotel rooms have been reserved at the Downtown Marriott, Hotel Fort Des Moines, Quality Inn and Suites (Events Center), and Holiday Inn Downtown at Mercy Campus.

Questions regarding the High School Summit may be directed to Mark Draper at Loess Hills AEA 13 (mdraper@aea13.org) or Tracy Harms at SAI (tharms@sai-iowa.org).

State Board Adopts Rules on Seclusion and Restraint

At its September 11th meeting, the State Board of Education unanimously adopted <u>amendments to its rules</u> on seclusion and restraint. The amended rules will be effective in November 2008.

The lowa Department of Education will be preparing guidance on the new rules shortly.

For more information, contact Thomas Mayes at 515-242-5614 or thomas.mayes@iowa.gov.

Training Sessions on E-rate Available

The E-rate application process for funding year 2009 (2009-2010 school year) is tentatively scheduled to begin in November.

To prepare for the annual application, the Iowa Department of Education (DE) will offer a series of training sessions through the Iowa Communication Network (ICN) classrooms beginning in October. The first training

sessions are designed to provide basics of the E-rate program and are particularly important for those individuals new to the E-rate program. The other two sessions are designed for all district/school E-rate applicants.

- E-rate 101: Introduction to E-rate (designed for E-rate newcomers)
 All sessions are repeats and are from 3:30-4:30 p.m.: Tuesday, October 7;
 Thursday, October 9; and Wednesday, October 15.
- E-rate 102: Filing Form 470 (for new and returning E-rate contacts)
 All sessions are repeats and are from 3:30-5:00 p.m.: Thursday, October 23; Tuesday, October 28; Wednesday, October 29; Wednesday, November 5.
- E-rate 103: Filing Form 471 (for new and returning E-rate contacts)
 All sessions are repeats and are from 3:30-5:00 p.m.: Thursday, November 20; Tuesday, November 25; Wednesday, December 3; Thursday, December 11.

To request an ICN site for any of the sessions, send an e-mail to Debbie Fiscus at debbie@iptv.org indicating the sites and dates at which you will attend. For questions about E-rate, please contact Pamela Pfitzenmaier Jacobs at pam.jacobs@iowa.gov or 515-975-0071.

Medicaid Cost Rates Available on the DE Website

The Medicaid cost rates for local education agencies (LEAs) and area education agencies (AEAs) have been posted on the Iowa Department of Education website at the following link: http://www.iowa.gov/educate/content/view/717/1396/.

The rates for dates of service from July 1, 2007 through June 30, 2008 are listed at the top. For claims with dates of service prior to July 1, 2007, scroll down on the same screen to get the rates for the July 1, 2006 through June 30, 2007 fiscal year.

For more information, please contact Jim Donoghue, Medicaid Consultant, at 515-281-8505 or jim.donoghue@iowa.gov.

Financial Incentives for NEW National Board Certification Applicants Cut

Beginning in January 1, 2008, the state of Iowa will no longer be offering financial incentives to <u>new</u> applicants that achieve National Board Certification. However, federal funds are available to offset the \$2,500 registration fee. Please see the attached application for additional information.

For more information contact Jody Crane at jody.crane@iowa.gov or 515-281-3333.

Title IIA and V Information Session Scheduled

An information session, one hour in length, will be offered to assist in completing applications for Title IIA and V. The lowa communications Network (ICN) sessions will be held on the following dates and times:

- October 7 from 1:00-2:00 p.m. (Registration deadline for this session is Friday, October 3, 12:00 p.m.)
- October 9 from 9:00-10:00 a.m. (Registration deadline for this session is Friday, October 7, 12:00 p.m.)
- October 13 from 10:00-11:00a.m. (Registration deadline for this session is Friday, October 10, 12:00 p.m.)
- October 13 from 4:00-5:00 p.m. (Registration deadline for this session is Friday, October 10, 12:00 p.m.)

To make reservations for one of the four sessions being offered, click on the following link: http://www.iptv.org/iowa_database/event-detail.cfm?ID=9158.

DISASTER RECOVERY

Crisis Counseling Available Through Project Recovery Iowa

Project Recovery Iowa is working to provide emergency crisis counseling to Iowans who have been impacted by the spring and summer disasters.

The collaborative program administered by the Iowa Department of Human Services is designed to educate Iowans about disaster reactions, teach them coping skills, assess individual needs, and link them to appropriate community resources. Anyone can access support through the Iowa Concern Hotline at 1-800-447-1985.

Because many of our children have been affected by the disasters, Project Recovery Iowa would like to make sure that parents, teachers, and caregivers have the supports needed to appropriately care for children affected by the recent floods.

Attached is a flyer that schools may choose to provide to parents.

Please direct questions about the program or this flyer to Kerry Moore Kroneman, Iowa Department of Human Services, at kmoorekron@aol.com or 515-720-3801. For questions about what services and/supports are available in your area, please call the Iowa Concern Hotline to be directed to the correct agency.

IOWA CORE CURRICULUM

Frequently Asked Questions about the Iowa Core Curriculum

According to the roll-out plan, when will districts begin working on curriculum content and instruction?

The Iowa Department of Education (DE) is collaborating with area education agencies (AEAs) to provide a consistent, appropriately paced roll out of the Iowa Core Curriculum among Iowa's school districts and accredited nonpublic schools. To do this, a network consisting of teams from each AEA has been established and is meeting monthly to plan and carry out the successful implementation of the Iowa Core Curriculum.

The Network's first step is to provide leadership capacity building to school leadership teams across each AEA. This will happen between now and spring 2009. Then the work of alignment of curriculum content, instruction, and assessment to the Iowa Core Curriculum will begin. Tools and protocols are currently being developed to facilitate this work.

Local educators are encouraged to contact their AEA Network Lead prior to beginning any further work related to the Core Curriculum during this upcoming school year. AEA Network Leads are:

AEA 1: Sue Updegraff, supdegraff@aea1.k12.ia.us

AEA 267: Christine Mangrich, cmangrich@aea267.k12.ia.us

Northwest AEA: Katy Evenson, kevenson@nwaea.k12.ia.us

AEA 8: Kim Rost, krost@aea8.k12.ia.us

AEA 9: Cindy Swanson, cswanson@aea9.k12.ia.us

AEA 10: Phyllis Anderson, panderson@aea10.k12.ia.us

AEA 11: Julie Hukee, jhukee@aea11.k12.ia.us

AEA 13: Deb Johnsen, djohnsen@aea13.org

AEA 14: Bob Newsum, rnewswum@aea14.k12.ia.us

Great Prairie AEA: Anne Morgan, anne.morgan@gpaea.k12.ia.us

Will districts still need to demonstrate the infusion of multicultural and gender fair approaches into the curriculum? Or will the Iowa Core Curriculum include multicultural and gender fair approaches that all must infuse?

While the Iowa Core Curriculum doesn't specifically address multicultural and gender fair issues, this is a requirement established by 281-IAC 12.5(8). At this point, the requirement still exists and will be incorporated along with other curriculum and instructional program requirements into the implementation of the Core Curriculum. The DE is conducting a review of the Iowa Code, relevant sections of the Iowa Administrative Code, and the Core Curriculum requirements to insure alignment.

If a district or school is not having students take the social studies portion of the Iowa Tests of Basic Skills or Iowa Tests of Educational Development, will implementing the Iowa Core Curriculum require that students also take this test?

No, the Iowa Core Curriculum will not change the state-wide testing required under No Child Left Behind.

Has there been any discussion about student enrollment in fine arts programs as a district or school fully implements the Iowa Core Curriculum?

The essential concepts and skill sets of the lowa Core Curriculum are not curriculum or course specific. It is probable that many essential concepts and skill sets in literacy, mathematics, social studies, science, and 21st century skills are supported throughout a school curriculum, including the fine arts. The conversation regarding the placement of the essential concepts and skill sets is a discussion appropriate for local district or school personnel.

Are connections being made between eWalk and the six leadership training sessions that AEAs are hosting this year?

The DE believes that observation is one of the tools local educators can use to improve alignment of the essential concepts and skill sets of the lowa Core Curriculum to local curriculum. The DE is reviewing this tool to determine its applicability to the lowa Core Curriculum content alignment processes being developed.

Who should be on a district or school leadership team?

When determine the membership of the team, consider individuals who have specific expertise in curriculum, content, data collection and analysis, assessment, and professional development. Parents, students, and community members may also be assets in the planning process. Possible team members include the following:

- Administrators, including superintendent, principal(s), and/or central office staff (i.e., directors of curriculum, professional development, and school improvement);
- Teachers, representing various grade levels, content areas, and role groups (i.e., elementary, middle school, high school, special education, Title I, gifted and talented, and general education);
- Parent representative(s);
- Student representatives;
- Community, business, and industry representative(s).

The number of members to include on the team is determined locally based on factors such as the size of the district and schools, availability or personnel, and resources.

What's the difference between the Teacher Quality Committee and the Iowa Core Curriculum Leadership Team?

A Leadership Team should be established to help plan for and implement the lowa Core Curriculum. The purposes of this team are:

- Help organize and design the Iowa Core Curriculum Implementation Plan.
- Engage in participative decision making a democratic decision-making process for keeping teachers and administrators involved and informed in all the Core Curriculum processes.
- Help school leaders sustain a focus on instruction, conduct alignment work, review instructional practices, and plan and sustain professional development functions.
- Distribute leadership and responsibility up and down the organization.
- Work with the Teacher Quality Committee to facilitate communication and collaboration.
- Facilitates communication about decisions made and status of work to plan and implement the Core Curriculum.

The purpose of the Teacher Quality Committee is to study and make recommendations (monitor) about professional development and procedures pertaining to the Teacher Quality Program. For guidance pertaining to the Teacher Quality Committee and the Iowa Core Curriculum see Teacher Quality Guidance Letter, July 23, 2008. To review the allocations go to http://www.iowa.gov/educate/content/view/150/910/ and see Professional Development Program: 2008-09 Educator Quality Professional Development Allocation.

What is the accountability?

A Monitoring and Evaluation Work Team has been organized to address the challenges of monitoring implementation and evaluating the impact of the Iowa Core Curriculum. Once this team has completed its initial work, the DE will align the Iowa Core Curriculum expectations with the comprehensive school improvement and accreditation process, including the Comprehensive School Improvement Plan and school accreditation visits.

LEGISLATIVE UPDATE

Contact Jeff Berger at jeff.berger@iowa.gov or 515-281-3399 for questions regarding legislation or the legislative process.

Current Legislation Implementation and 2009 State Board Advocacy Platform

The Iowa Department of Education (DE) continues the process of implementing new legislation.

Summaries of legislation and guidance letters to the field for both K-12 districts and community colleges can be found at http://www.iowa.gov/educate/content/view/1529/1691/.

In September, the State Board of Education approved a tentative Legislative Advocacy Agenda. Final edits are being made to that document and it will be available within a couple of weeks. Budget submissions must be in place by October 1. Once that process is complete, the DE will begin work on several legislative proposals (prefiled bills). Feel free to contact the DE with concerns or idea for potential legislation.

For questions related to any of the above items, contact Jeff Berger at jeff.berger@iowa.gov or 515-281-3399.

Competent Private Instruction Reminder — Correction

Districts must notify parents of testing times and sites by October 1st if the child is between the ages of seven and 15, inclusive, of the current school year and is not working with an lowa licensed teacher. There is a list of accepted tests in the handbook on page 18 located at http://www.iowa.gov/educate/content/view/301/504/.

The article in the September *School Leader Update* incorrectly listed only the Iowa Tests of Basic Skills/Iowa Tests of Educational Development and failed to note the full list of acceptable assessments. For more information, contact Elizabeth Calhoun at Elizabeth.calhoun@iowa.gov or 515-281-8170.

Waivers or Exemptions Allowed by the Iowa Department of Education

Five waivers or exemptions that are available from the lowa Department of Education (DE) include:

- Chapter 12 Exemption for 2009-2010 Due January 1, 2009
- New Innovative Calendar for 2009-2010 Due November 1, 2008
- Continued Innovative Calendar for 2009-2010 Due November 1, 2008
- Early Start Date for 2009-2010 (Completed on the district's 2009 Spring BEDS Report)
- Foreign Language for 2009-2010

The requirements vary slightly for each waiver:

Waiver/ Exemption	Form	Board Approval or Hearing	Deadline
Chapter 12 – General Accreditation Standards 281-IAC 12.9	Paper document located at: http://www.iowa.gov/educate/cont ent/view/483/530/	Board minutes that demonstrate that the local school board has approved the request.	January 1 preceding the school year for which the waiver is requested.
New Innovative Calendar and Continued Innovative Calendar 279.10	Paper document located at: http://www.iowa.gov/educate/content/view/483/530/	Documentation of public hearing	November 1 preceding the school year for which the waiver is requested defined in the Code of Iowa.
Early Start 279.10(4)	Web-based document located on the Spring BEDS Report located at: https://www.edinfo.state.ia.us/securelogin.asp	Assurances that the school district has held a public hearing and that starting school on the earliest starting date specified in lowa Code section 279.10 subsection 1 will have a significant negative educational impact.	June 30 preceding the school year for which the waiver is requested defined in the Code of Iowa
Foreign Language 256.11(5)(f)	Paper document located at: http://www.iowa.gov/educate/content/view/483/530/	Minutes that demonstrate that the local school board has approved this request to be waived from the 3 rd and 4 th sequential units of foreign language.	

Common requirements for a public hearing include:

- 1. Prior publication of date, time, and place of hearing.
- 2. Purpose(s) of the hearing shall be included in the notice.

3. The specifics of the notice vary. See authoring statues at: http://www.legis.state.ia.us/IACODE/2003SUPPLEMENT/tablesandindex/ by entering the appropriate chapter and sections.

The public hearing is designed to provide an opportunity for the public to have input on the proposed issue. It can be part of the regular board meeting, or it may be a special board meeting. In either case, the minutes of the meeting shall document that the public was given an opportunity to comment regardless of whether anyone in fact attended or provided input.

Please note:

- Waiver/exemption requests that fail to document the opportunity for public input will be denied.
- Waiver requests that have a deadline defined by Iowa Code are strictly adhered to. The DE does not have the authority to waive deadlines set in Code.

LEGAL LESSONS

The contact for all Legal Lessons items is Carol Greta, carol.greta@iowa.gov; 515-281-8661.

Level I Investigator Training

Administrators, please let your chapter 102 Level I investigators know that this year's training will take place Monday, October 6 from 8:00 a.m. – 12:00 noon.

As in the past, the training will originate at Heartland Area Education Agency's main office in Johnson, and will be narrowcast live over the Iowa Communications Network (ICN). A Level I investigator should contact his/her own area education agency to find out the closest ICN site.

Clarification about Trips and Fees

Several questions have arisen about fees for field trips that occur during a school day vs. other school trips that occur during a school day.

The typical field trip is considered part of a class, and the students are considered "present" for instruction during the instructional day. Because the students are considered "in class" albeit not in the school building, any fees associated with the field trip are akin to tuition. Therefore, no fees may be charged for transportation, admissions, etc. [As an alternative to charging fees, districts may seek donations from businesses, nonprofit groups such as PTOs, or parents. IF asking parents for donations, be very clear that donations are not mandatory.]

On the other hand, an example of a school trip that is non-instructional occurs when the marching band leaves Friday during the day for a Saturday performance. Those students should be given excused absences for the part of the school day they miss (rather than be counted as "present") because the students are not receiving instruction. Fees may be charged for these trips.

To summarize, the fact that a trip may take place during the school day is not determinative of whether a fee may be charged. The determinative factor is whether the students are considered "present" because the activity is part of course instruction.

Junior-Senior Rule does NOT Apply to Out-of-State Moves

The Iowa Attorney General has recently issued an opinion to the Iowa Department of Education (DE) that the "junior-senior rule" [Iowa Code section 257.6(1)(a)(4)] does not and should not be applied when families move outside of the State of Iowa.

Section 257.6(1)(a)(4) allows a school district to include in its enrollment count junior and senior "nonresident pupils who were residents of the district of the preceding school year and [who remain] enrolled in the district until the pupils graduate."

Questions arise when families move just across the border to Illinois, Nebraska, South Dakota, etc., but the junior or senior student elects to stay in the lowa district to finish his/her education. The DE's guidance has been that the district must charge tuition of the family.

The Attorney General agrees that the Iowa district must charge tuition for the student to remain enrolled in Iowa. The junior-senior rule does not apply. The Attorney General's opinion concludes as follows:

Our system of public schools is designed to fulfill the constitutional obligation to provide a free education to the children of this state and we do not believe that the junior-senior rule is intended to allow students residing outside of lowa to attend lowa public schools without paying tuition. Therefore, we conclude that lowa Code subsection 257.6(1)(a)(4) should be applied only to students who reside within lowa.

The entire Attorney General opinion is attached.

Tips About Use of District Property for Non-District Activities

1. Transportation

In accordance with Iowa Code section 285.10(9, 10), vehicles owned by a school district may only be used for non-school activities under the following circumstances:

- a. The vehicle is not needed for transportation of pupils.
- b. The district charges and collects "an amount sufficient to reimburse all costs of furnishing the bus and driver."

Example: 10-12 students all sign up for the same baseball camp. Their parents ask the district to provide transportation for convenience of the parents. The school board makes a finding that the vehicle is not needed at the time in question for transportation of pupils. The board and the district's transportation director figure out the actual costs involved. The board enters into a written agreement with all affected families.

Note that following all of these steps has the additional advantage of protecting the district from any allegation of a violation of the Camp and Clinic* rule — assuming a baseball coach from the school does not accompany the students and assuming further that attendance at the camp is totally voluntary! And, of course, the students are paying any and all fees related to the camp.

2. Athletic Equipment (e.g., catcher's mask, football pads)

When a student voluntarily chooses to attend a specialized camp and the host of the camp does not provide safety equipment, the student often asks to use equipment owned by the district. The district must charge a fair rental to the student. This avoids any appearance that the camp is school-related and also emphasizes to the student, the student's family, and the community at large that the district is aware that district property is not property of students; it belongs to the taxpayers, and the district is being a good steward of the property by charging a fair rental value.

3. Insurance Carrier

This is just a reminder to the district to alert the district's insurance carrier whenever district property is being rented for non-school purposes.

*And remember that the Camp and Clinic rule only applies to interscholastic sports, not music or speech. That rule [36.15(6)] prohibits school personnel, whether employed or volunteers, from coaching the school's students out of season and from requiring students to participate in any activities outside the season of that coach's sport as a condition of participation in the coach's sport during its season.

Amendments to CPI (Home Schooling) Rules

The Iowa Department of Education's administrative rules on Competent Private Instruction (CPI) are being updated. No changes have been made to this chapter of rules since 1996. Key substantive changes include the following:

- Effective next school year, the deadline for families to file Form A, Report of CPI is August 26.
- Duties of supervising teachers and licensure requirements are clarified.
 - Those teachers who are hired by a district's Home School Assistance Program (HSAP) to provide direct instruction must also possess a valid endorsement as to content area if the child receives credit on a transcript provided by the district for the course.
 - Under no circumstances may a person who possesses only a substitute authorization supervise CPI. (A teacher with a substitute teacher <u>license</u> may still supervise CPI.)
- The rules emphasize the prohibition against districts providing public funds and other resources to unlawfully benefit a child who receives CPI with the exception of texts and supplementary materials already on hand and appropriate for use by regularly enrolled students of the district.
- Effective next school year, Form A must be filed for every child of compulsory attendance age (six through 15). Previously, no form had to be filed for children enrolled in a HSAP; now, all parents/guardians who provide CPI must file Form A.
- A child under dual enrollment must receive at least one-quarter of the child's instruction by way of CPI and no more than three-quarters from the district's academic programs.
- Regarding the annual assessment, one option for compliance is enrollment of the child in a
 correspondence school accredited by an accrediting agency approved by the federal department of
 education. The report card issued by the correspondence school may take the place of portfolio
 evaluation or standardized testing.

The complete text of the changes is available at http://www.iowa.gov/educate/content/view/75/772/ (click on Chapter 31). There will be a public hearing for these rules October 28 at 1:30 p.m. in the State Board Room, 2nd floor, of the Grimes State Office Building.

Athletic Eligibility: Change to Track & Field Start Date

All school administrators, coaches, students, and families know by now that the period of ineligibility for a student who does not pass all coursework is 30 calendar days. When the student is not in an athletic season at the time of the "F," the 30 days start on the first legal playing date for the next sport in which the student participates. For track & field, because some schools observe an indoor season, this date has been mid-February.

This date has changed, effective this school year.

The executive directors of both the Iowa High School Athletic Association and the Iowa Girls High School Athletic Union recently met with Carol Greta, and agreed that the period of ineligibility for track & field shall start on **March 16**, 2009. Eligibility will be regained at 12:01 a.m. on April 15. If a school has any indoor meets prior to March 16, students are eligible for pre-March 16 competitions under the state rule. Of course, a school may choose to "sit" academically ineligible students for pre-March 16 meets, but those students are still ineligible for the 30 day period from March 16 to April 15.

DATA AND REPORTING

2008 Certified Annual Report Due October 9

The 2008 Certified Annual Report (CAR) is available for official filing and is due October 9.

School districts and area education agencies (AEAs) may now upload and certify their official CAR. The application can be found at www.edinfo.state.ia.us and is called "CAR-2008 Upload and Reports." Any district completing an upload within the last 48 hours, prior to the site going live, will need to upload its file and reprocess Stages 1 through 4 again, now that it is live.

The CAR-2008 Chart of Accounts (COA) Test Records application will remain available for a short time while the conversion to the 2009 application is being made.

If you have any questions regarding the CAR forms, upload, or edits, please email Deb Schroeder at deb.schroeder@iowa.gov or Janice Evans at janice.evans@iowa.gov.

District-developed Service Delivery Plans for Special Education Services

Districts have assured in the 2007-2008 Comprehensive School Improvement Plan, certified in September 2008, that they will develop a Special Education Service Delivery Plan.

Further technical assistance will be available from area education agencies in November. Meanwhile, the requirements are available in the Iowa Administrative Rules of Special Education 281-41.408(2) available at http://www.iowa.gov/educate/content/view/624/1640/.

For more information, contact Kiersten Hensley at kiersten.hensley@iowa.gov or 515-281-4123.

FUNDING AND GRANTS

DE Announces 2008-2009 Harkin Grant (Iowa Demonstration Construction Grant Program) Applications

The lowa Department of Education is pleased to announce the availability of the Harkin Grant (lowa Demonstration Construction Grant Program), [Fire Safety and Construction] which was authorized by Title III of P.L. 108-199 in the total amount of \$4,789,834.

The grants, to be awarded on a competitive basis, are available to Iowa public school districts. Applications must be postmarked or received at the Iowa Department of Education by 4:30 p.m. on December 15, 2008 for both the Fire Safety and Construction Grant Applications.

Applications will soon be available on the lowa Department of Education's website at: http://www.iowa.gov/educate/content/view/97/328/. An email will be sent to school districts when the applications are available.

The DE will hold an Iowa Communications Network session on October 28 from 1:00-3:00 p.m. to review the application process and program. More information will be sent at a later date.

Questions about the grant application process should be directed to Gary Schwartz, Infrastructure Consultant; phone 515-281-4743; fax 515-281-8777 or e-mail gary.schwartz@iowa.gov.

EARLY CHILDHOOD PRESCHOOL PROGRAMS

Voluntary Preschool Program for Four-Year-Old Children Application Update

The Iowa Department of Education (DE) has awarded 49 district applications for year two of the Statewide Voluntary Preschool Programs for Four-Year-Old Children.

An estimated 4,515 preschoolers will be served in these preschool programs beginning no later than October 1, 2008. Approximately 255 licensed early childhood education teachers will be teaching the four-year-old children in these programs.

The application requests exceeded the second year of appropriated state funding (\$15,000,000 for FY 2009). Estimated requests for funding totaled \$33,406,999.

The Early Childhood Services Bureau will be replicating the same procedures for districts applying for funding in year three (2009-20010) pending funding. Timelines for submitting applications and awarding of funding will be scheduled early spring 2009. During the current 2008-2009 school year, districts are encouraged to continue enhancing community partnerships and collaborative efforts to strengthen and meet application requirements.

The second QPPS Iowa Communications Network (ICN) session is scheduled for October 29, 2008. You may check the DE website for ICN sites and documents to support the session, and to find dates for future sessions.

The Eastern Regional QPPS Administrator Meeting will be in Coralville on October 7, 2008. The Central Regional QPPS Administrator Meeting will be in Altoona on October 9, 2008. Registration forms are available on the Department website.

For more information on the Statewide Voluntary Preschool Program for Four-Year-Old Children go to: http://www.iowa.gov/educate/content/view/940/1103/. If you have specific questions go to the DE website Frequently Asked Questions on the homepage under Quick Links: http://www.iowa.gov/educate/.

BOARD OF EDUCATIONAL EXAMINERS

For questions regarding licensure, call 515-281-4839.

Licensure Changes for ESL and TAG Teachers Who Were "Grandfathered"

Because of the need for highly qualified teachers, the Board of Educational Examiners has removed the grandfather clause for the English as a second language endorsement and talented and gifted licensure.

The Board of Educational Examiners has utilized a policy commonly called the "grandfather" clause to allow a person to teach certain subjects even though the person was not licensed in that area. This was allowed for subjects not offered as endorsements at the time the individual first obtained a license. However, areas endorsement requirements have now been developed for English as a second language and talented and gifted.

Individuals who were licensed in Iowa prior to October 1, 1988, and were allowed to teach English as a second language without completing the endorsement requirements must complete the endorsement requirements by July 1, 2012, in order to teach or continue to teach English as a second language. A waiver provision is available through the Board of Educational Examiners for individuals who have been successfully teaching English as a second language.

Individuals who were licensed in Iowa prior to August 31, 1995, and were allowed to teach talented and gifted classes without completing the endorsement requirements must complete the endorsement requirements by July 1, 2012, in order to teach or continue to teach talented and gifted classes. A waiver provision is provided through the Board of Educational Examiners for individuals who have been successfully teaching students who are talented and gifted.

Minimum endorsement requirements for each endorsement and which colleges offer each endorsement can be found on our website at www.boee.iowa.gov.

Teachers from Out-of-State Must Have Iowa License

If an administrator has recently hired a teacher who graduated from an out-of-state college or an experienced teacher licensed in another state, please remember that in order to teach in Iowa, an Iowa teaching license is required.

The out-of-state application is found on the Board of Educational Examiner's website at www.boee.iowa.gov. The following rules are also important to review at this time of year.

IAC 282 Chapter 14.121(7) Penalty for failure to have appropriate licensure.

b. An additional fee of \$100 per calendar month, not to exceed \$500, shall be imposed if the practitioner does not hold a valid lowa license. The fee will begin to be assessed on the first day of the school year for which the practitioner is employed until the practitioner submits a completed application packet for the appropriate license.

NEWS FROM OTHER AGENCIES

Iowa Schools Invited to Participate in 2009 Poetry Out Loud Contest

The Iowa Arts Council (IAC) invites Iowa schools to participate in the 2009 Poetry Out Loud: National Recitation Contest, a program created by the National Endowment for the Arts and the Poetry Foundation.

Administered in Iowa by the Iowa Arts Council, Poetry Out Loud encourages students to learn about great poetry. Teachers should contact Dawn Martinez Oropeza at dawn.oropeza@iowa.gov or Jen McClung at poetryoutloud.dca@iowa.gov by November 1, 2008 to request free resource packets and by December 1, 2008 to register their schools for participation.

IAC is offering a Poetry Out Loud teacher orientation at 3:00 p.m. October 16, 2008 via the Iowa Communications Network (ICN) to provide tips on bringing the program into the classroom. There are resources available online at www.iowaartscouncil.org.

School-level recitation champions advance to the state and national levels. Poetry Out Loud awarded more than \$100,000 in prizes to students and schools at the 2008 state and national competitions.

The 2009 Poetry Out Loud state competition will be March 7, 2009 at the State Historical Building, 600 E. Locust Street in Des Moines.

CALENDAR

Deadlines and Dates to Remember

Deadinies and Dates to	Tromember
October 1	DEADLINE : School districts notification to Competent Private Instruction parents of testing times and sites.
	DEADLINE: Certified Enrollment Count Date
October 3	Registration deadline (12:00 noon) for Title IIA and V Information Session on October 7
October 6	Chapter 102 Level I Investigators Training, 8:00 a.m12:00 noon, ICN
October 7	E-rate 101 Training Session (see article above)
	Registration deadline (12:00 noon) for Title IIA and V Information Session on October 9
	Eastern Regional QPPS Administrator Meeting (see article above)
October 9	DEADLINE : Certified Annual Report Due
	E-rate 101 Training Session (see article above)
	Equity Site Visit Training, 1:00–3:30 p.m., ICN
	Central Regional QPPS Administrator Meeting (see article above)

October 10	Registration deadline (12:00 noon) for Title IIA and V Information Session on October 13	
October 15	DEADLINE : Certified Enrollment Count Due	
	E-rate 101 Training Session (see article above)	
October 16	Poetry Out Load Teacher Orientation, 3:00 p.m., ICN	
October 17	DEADLINE : Fall BEDS 2008 – Certification	
October 23	E-rate 101 Training Session (see article above)	
October 28	E-rate 101 Training Session (see article above)	
	CPI Rules Public Hearing, 1:30 p.m., State Board Room - Grimes Building	
	Harkin Grant Application Process/Program Review, 1:00 p.m., ICN	
October 29	E-rate 101 Training Session (see article above)	
	QPPS Standard Implementation Training (ICN)	
October 31	DEADLINE : Project EASIER Fall 2008 Certification	
November 1	DEADLINE : Innovative Calendar Waiver Application Due	
	DEADLINE : Whole Grade Sharing – Last day for public notice of board intent	
November 5	E-rate 101 Training Session (see article above)	

Click <u>HERE</u> for a *complete*Iowa Department of Education Calendar

SCHOOL LEADER UPDATE is produced monthly by the lowa Department of Education for school leaders of lowa. Comments and submissions should be sent to Elaine Watkins-Miller at elaine.watkins-miller@iowa.gov or 515-281-5295.

It is the policy of the Iowa Department of Education not to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, gender, disability, religion, age, political party affiliation, or actual or potential parental, family or marital status in its programs, activities, or employment practices as required by the Iowa Code sections 216.9 and 256.10(2), Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d and 2000e), the Equal Pay Act of 1973 (29 U.S.C. § 206, et seq.), Title IX (Educational Amendments, 20 U.S.C.§§ 1681 – 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and the Americans with Disabilities Act (42 U.S.C.§ 12101, et seq.).

If you have questions or grievances related to compliance with this policy by the lowa Department of Education, please contact the legal counsel for the lowa Department of Education, Grimes State Office Building, Des Moines, IA 50319-0146, telephone number 515/281-5295; or the Director of the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661, telephone number 312/730-1560, fax 312/730-1576, email: OCR.Chicago@ed.gov.

National Board Certification Candidate Subsidy Fund Application 2008-2009

Deadline to Apply: December 1, 2008

Funds are available to offset the \$2,500 registration fee to become National Board Certified (NBC). The U.S. Congress through a grant from the U.S. Department of Education has provided Candidate Subsidy Funds (CSF) to each state. First-time NBC candidates can be subsidized for up to one-half of the fee. The funds will be prorated if the number of applicants exceeds the available funding. Subsidy funds cannot be allocated to a candidate who has previously utilized subsidy funding. To apply, please review the following steps:

- **Step 1:** Review the National Board for Professional Teaching Standards (NBPTS) eligibility criteria at http://www.nbpts.org/become a candidate/eligibility policies
- Step 2: Review the following Iowa Department of Education's (DE) criteria.

Teachers eligible for the registration fee reimbursement program shall meet all of the following qualifications:

- a) The individual has all qualifications required by NBPTS for application for certification.
- b) The individual is a teacher.
- c) The individual is employed by a school district in lowa.
- d) The individual receives a salary as a classroom teacher.
- The individual completes the department's application process, which includes submitting verification of NBC registration.
- f) The individual has not received reimbursement from this program at any previous time.

It is possible for teachers residing out-of-state to qualify for the financial incentives if they meet the above qualifications. Teachers are not required to be lowa residents. They are required to be teaching students in an lowa school district.

(For definitions to the above terms, go to http://www.iowa.gov/educate/content/view/1443/901/)

Step 3: Apply to be an NBC candidate online at http://www.nbpts.org/become a candidate/apply now1 (Be sure to print a copy of your application, as you will need to send a copy to the DE.)

NOTE: Be sure to include your e-mail address on your NBC online application, as all correspondence from the DE will be done via e-mail.

Step 4: To begin candidacy and in order for CSF to be applied to your application, you will need to pay a **nonrefundable** initial \$500 fee before the December 1, 2008, deadline. There is also a \$65 processing charge required at the time of application submission. This fee is separate from the registration fee and is also nonrefundable.

Do not send any money to the Iowa Department of Education. Follow the NBPTS procedures for payment.

Step 5: Mail a copy of your NBC online application to:

Jody Crane Iowa Department of Education Grimes State Office Building 400 E 14th St Des Moines IA 50319

By completing Step 5, you will automatically be enrolled to receive CSF. You do not need to complete an additional form to apply for this program. See Steps 6 and 7 below.

CSF APPLICATION CHECKLIST:

Review NBPTS and DE eligibility requirements.
 Apply online to be an NBC candidate. (Direct all payments to the NBPTS.)
Send a copy of your NBC application to Jody Crane at the above address.

- **Step 6**: Shortly after December 1, 2008, the DE will send the NBPTS \$1,250 (or the prorated amount) to be applied to your application. You can verify payment by logging into "My Profile" on the NPBTS website at www.nbpts.org.
- Step 7: By no later than January 31, 2009, the NBC candidate pays the balance of the registration fee directly to the NBPTS.



Families can help children cope with fear and anxiety.

Whether your children have experienced a disaster or other life changes that are frightening, these strategies will help.

- Show them you love them. Give them extra hugs.
- Tell them they are safe.
- Keep daily routines the same (mealtime, bedtime and etc.)
- Focus on the positive.
- Pay attention to what they say and do.
- Give honest, simple, brief answers to their questions.
- · Let them talk about it.
- Be patient.

If you have questions or concerns about their behavior or ability to cope or you just need someone to listen, call the **lowa Concern Hotline at 1-800-447-1985**. All calls are free and confidential.

Project Recovery lowa is for grown ups and teens too.

Project Recovery Iowa is a collaborative program administered by the Iowa Department of Human Services. It is designed to empower those affected by disaster through teaching the stages of disaster reactions and coping skills, assessing needs, and linking individuals to appropriate community resources. If you have questions about stress, legal issues, or financial concerns, you can access support by calling the Iowa Concern Hotline 1-800-447-1985 or the Teen Hotline 1-800-443-8336.



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THOMAS J. MILLER ATTORNEY GENERAL

Department of Justice

RECEIVED

SEP 1 5 2008

DEPARTMENT OF EDUCATION

ADDRESS REPLY TO: HOOVER BUILDING DES MOINES, IOWA 50319 TELEPHONE: 515/281-5164 FACSIMILE: 515/281-4209

September 12, 2008

The Honorable Judy A. Jeffrey, Director Iowa Department of Education Grimes State Office Building – 2nd Floor L-O-C-A-L

Dear Director Jeffrey:

You have requested guidance from this office regarding application of Iowa Code subsection 257.6(1)(a)(4). Specifically, you ask whether the "junior-senior rule" established by this subsection applies to a pupil who has moved outside of the state of Iowa. Because our system of public schools is designed to fulfill the constitutional obligation to provide a free education to children residing in Iowa, we conclude that the statute should be applied only to students who reside within Iowa.

The statute at issue appears in chapter 257 of the Code, which establishes our system of financing public school programs. The Iowa school financing formula is largely pupil-driven. The amount of state foundation aid received by a school district equals "an amount per pupil equal to the difference between the amount per pupil of foundation property tax in the district, and the combined foundation base per pupil or the combined district cost per pupil, whichever is less." Iowa Code § 257.1(2) (2007). Code section 257.6(1) provides for the calculation of the "actual enrollment" for each school district for use in the finance formula. Subsection (1)(a)(4) allows a school district to include in the enrollment count

[e]leventh and twelfth grade nonresident pupils who were residents of the district during the preceding school year and are enrolled in the district until the pupils graduate. Tuition for those pupils shall not be charged by the district in which the pupils are enrolled and the requirements of section 282.18 [procedures for open enrollment] do not apply.

This provision is commonly known among Iowa school districts as the "junior-senior rule." As you observe in your request letter, the rule appears to be intended to "allow juniors and seniors to complete their secondary education at the district in which they were enrolled the previous year even if they no longer are residents of the district." Clearly, if a pupil and his family move from one Iowa school district into another Iowa district immediately prior to or during the pupil's junior or senior year of high school, the pupil may continue to enroll and complete his education at the first school district without paying tuition or going through the open enrollment process and the district which the student attends may continue to include the pupil within its actual enrollment count and receive state foundation aid toward the cost of educating the pupil. You ask whether the statute also applies to permit a pupil who has moved to another state to continue to attend the Iowa district of prior enrollment.

Our interpretation of the statute is guided by familiar principles of statutory construction, with the ultimate goal of determining legislative intent. City of Cedar Rapids v. James Properties, Inc., 701 N.W.2d 673, 675 (Iowa 2005). The "first step in ascertaining the true intention of the legislature is to look to the statute's language." Gardin v. Long Beach Mortg. Co., 661 N.W.2d 193, 197 (Iowa 2003). As the Iowa Supreme Court has frequently articulated, "we do not speculate as to the probable legislative intent from the words used in the statute." City of Cedar Rapids, 701 N.W.2d at 675 (quoting City of Fairfield v. Harper Drilling Co., 692 N.W.2d 681, 684 (Iowa 2005)). "When the language of a statute is plain and its meaning is clear, the rules of statutory construction do not permit us to search for a meaning beyond the statute's express terms. A statute is ambiguous if reasonable minds could differ or be uncertain as to the meaning of the statute." City of Waterloo v. Bainbridge, 749 N.W.2d 245, 248 (Iowa 2008).

Subsection 257.6(1)(a)(4) provides that "[e]leventh and twelfth grade nonresident pupils who were residents of the district during the preceding school year" are entitled to continue to attend the district from which they moved without complying with open enrollment procedures or paying tuition. The district is allowed to include these students within the district's actual enrollment count for calculating and receiving state aid. The key to resolving your inquiry is whether the term "nonresident pupil" includes only pupils who remain in Iowa or also includes those who have moved outside of the state. The term "nonresident pupil" is not defined within chapter 257, or elsewhere within the Iowa Code. "Therefore, 'we may refer to prior [judicial decisions], similar statutes, dictionary definitions, and common usage' to determine its meaning." Cubit v. Mahaska County, 677 N.W.2d 777, 783 (Iowa 2004) (quoting State v. Kellogg, 542 N.W.2d 514, 516 (Iowa 1996)).

Code section 257.6 was amended by 2007 Iowa Acts (81st G.A.), ch. 22, § 59. The 2007 amendment separated and numbered the rest of the former unnumbered paragraphs within subsection 257.6(1). The subsection at issue here, previously designated as 257.6(1)(d), was not amended.

Because chapter 257, which establishes Iowa's school finance system, is closely related to provisions within chapter 282 regarding school attendance and tuition, we believe that otherwise undefined terminology should be read as having the same meaning in both statutes. "Statutes relating to the same subject matter, or to closely allied subjects, may properly be construed, considered and examined in light of their common purposes and intent." State v. Peterson, 347 N.W.2d 398, 402 (Iowa 1984). In Iowa, as in most states, the obligation to provide public education extends only to school-age children residing within the state. See Iowa Const. Original, Art. IX, 1st DIV, §§ 1, 8, 12 and 15 (requiring the general assembly to "provide for the education of all the youths of the State"); Fennelly v. A-1 Machine & Tool Co., 728 N.W.2d 163, 173-74 (Iowa 2007) ("a comprehensive statutory scheme exists that defines the role of the state and the state department of education to provide a public education to Iowa's young people").

Public schools in Iowa are "free of tuition to all actual residents between the ages of five and twenty-one . . ." Iowa Code § 282.6 (unnumbered ¶ 1) (2007). For the purposes of section 282.6, "resident' means a person who is physically present in a district" and meets other statutory criteria. Iowa Code § 282.6 (unnumbered ¶ 3) (2007). Absent an applicable statutory exception, "[n]onresident children shall be charged the maximum tuition rate as determined under section 282.24, subsection 1." Iowa Code § 282.1 (unnumbered ¶ 1) (2007) (the maximum tuition fee "is the district cost per pupil of the receiving district as computed in section 257.10"). Chapter 282 contains no provision for the payment of tuition by the parents of nonresident students. Rather, the tuition payments for nonresident children, prescribed by section 282.24, are paid by the "school corporation in which the student resides." Iowa Code § 282.20 (2007) (unnumbered ¶ 1). The Iowa legislature is empowered to require Iowa public school districts to make tuition payments, but lacks the authority to mandate tuition payments by out-of-state school districts. Given the statutory context, we believe that the legislature intended the term nonresident, as used in section 257.6 and throughout chapter 282, to mean residents of Iowa, but who reside outside of the school district which they attend.

In examining judicial decisions, we find that disputes regarding application of the term "nonresident children," as used in chapter 282, have typically arisen in the context of tuition charges to in-state nonresident students. C.f. Lakota Consol. Indep. Sch. v. Buffalo Center/Rake Comm. Schs., 334 N.W.2d 704 (Iowa 1983) (holding that an Iowa school district stated a viable claim for injunctive, declaratory, and monetary relief based upon allegations that a neighboring Iowa school district allowed residents of the plaintiff district to attend school without charging tuition to the "nonresident students" as required by statute); Independent Sch. Dist. of Danbury v. Christiansen, 242 Iowa 963, 49 N.W.2d 263 (1951) (mandamus action against county auditor to compel transfer of tuition funds by county from Iowa district in which students resided to Iowa district educating students). We find no judicial decision addressing whether the term "nonresident" includes students living outside of Iowa.

When construing a statute, our Supreme Court "look[s] at the object sought to be accomplished and the evils and mischief sought to be remedied to arrive at an interpretation that will accomplish the intended purpose rather than one which will defeat it." State v. Moore, 569 N.W.2d 130, 132 (Iowa 1997). Although section 257.6 does not explicitly distinguish between in-state and out-of-state nonresident pupils, we believe it is unlikely that the legislature intended

the junior-senior rule to allow students residing outside of the state to attend Iowa public schools at taxpayer expense without paying tuition. The function of our public school system is to provide an education to Iowa's young people, as mandated by our state Constitution. Iowa Const. Original, art. IX, 1st div. Public schools are funded through a combination of local property taxes, state aid, and federal funds — which are generally targeted to specific programs. See e.g. Fennelly, 728 N.W.2d at 173-74; Iowa Code § 256.9(7) (authorizing the director of the department of education to accept federal funds appropriated for education and rehabilitation purposes).

Our system of public schools is designed to fulfill the constitutional obligation to provide a free education to the children of this state and we do not believe that the junior-senior rule is intended to allow students residing outside of Iowa to attend Iowa public schools without paying tuition. Therefore we conclude that Iowa Code subsection 257.6(1)(a)(4) should be applied only to students who reside within Iowa.

Sincerely,

Christie J. Scase

Assistant Attorney General